

REMARKS

By the foregoing Amendment, Claim 1 has been cancelled. Favorable reconsideration of the application is respectfully requested.

The Office Action Summary incorrectly indicated that Claims 1-6 were pending. Claims 2-6 were cancelled, and new Claims 7-13 were added in the preliminary amendment filed with the application on March 15, 2002. The PAIR system indicates that the preliminary amendment of March 15, 2002 was entered. The foregoing amendment restates the claims as filed on March 15, 2002, and cancels Claim 1, which was retained as a formality.

Claims 1, 2, 5 and 6 were rejected under 35 U.S.C. 102(e) on the grounds of anticipation by Gilmore et al. Claims 1-6 are cancelled, so that it is respectfully submitted that the rejection of Claims 1, 2, 5 and 6 on the grounds of anticipation by Gilmore et al. should be withdrawn.

Claims 3 and 4 were rejected under 35 U.S.C. 103(a) on the grounds of obviousness from Gilmore et al. in view of Lachmann et al. Claims 3 and 4 were cancelled, so that it is respectfully submitted that the rejection of Claims 3 and 4 on the grounds of obviousness from Gilmore et al. in view of Lachmann et al. should be withdrawn.

Gilmore et al. discloses a ventilator control system and method with a simulator for predicting the status of the patient's pulmonary system prior to adjusting the controls, and display of the predicted status on a display screen, as is described at column 18, line

12, to column 19, line 9, and in Fig. 12 of Gilmore et al. The display shows the set of breath parameters selected by a clinician and the predicted status of the pulmonary system, as shown in Fig. 12. Claim 7 recites "a display for displaying a plurality of ventilation parameters currently used by the controller to control the respirator and a plurality of proposed ventilation parameters," and "said display including a graphical representation of the effect of the proposed ventilation parameters on the breath cycle." It is respectfully submitted that Gilmore et al. does not teach, disclose or suggest the display of a graphical representation of the effect of the proposed ventilation parameters on the breath cycle in addition to the display of current and proposed ventilation parameters, as is now claimed. As is discussed in the specification at page 6, lines 6-13, and at page 22, lines 4-24, referring to Fig. 8, the display of the invention allows the visualization of relationships between breath parameters, and, while parameters are being changed, provides the user with a visual representation of the effect of the proposed changes on the ventilation strategy while simultaneously allowing the user to view current settings, thus allowing the user to simultaneously view "where they are now" and "where they are going to be."

Lachmann et al. discloses an artificial ventilation system with inspiration and expiration indicators in the form of bars. However, Lachmann et al. also does not teach, disclose or suggest the display of a graphical representation of the effect of the proposed ventilation parameters on the breath cycle in addition to the display of current and proposed ventilation parameters, as is now claimed.

It is therefore respectfully submitted that Claims 7-13 are novel and inventive over Gilmore et al. and Lachmann et al., and that Claims 7-13 should be allowable over the art cited.

Applicant has reviewed the additional prior art made of record and not relied upon, and it is believed that the additional prior art made of record and not relied upon is no more pertinent than the reference actually applied.

In light of the foregoing amendments and remarks, it is respectfully submitted that the application should now be in condition for allowance, and an early favorable action in this regard is respectfully requested.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By:

James W. Paul
Reg. No. 29,967

JWP/rvw

Encls.: Return Postcard

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201